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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,483	08/29/2001	Henry Wu	HENRYWU.007A	9333

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EXAMINER

Green, Brian

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,483

Applicant(s)

WU, HENRY

Examiner

Brian K. Green

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The proposed drawing correction filed on Jan. 20, 2004 with regard to figure 6A and new figure 6B has been approved. The replacement sheet including figures 6A and 6B has also been received.

Claim Objections

Claims 15-21 are objected to because of the following informalities: In claim 15, lines 16-17, "from front" should be "from in front". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Neal (U.S. Patent No. 5,779,317).

Neal shows in figures 1-9 a folding chair (see column 1, lines 4-6) comprising a pair of spaced legs, a seat portion (3), a back portion (8), a main body (30), a padding (40,42) covering the main body, and a plurality of fasteners (nut and bolt assemblies, Christmas tree fasteners, snaps, clamps, clips, see column 7, lines 55-60) for attaching the main body to the back portion. Neal shows in figure 7 that the padding (40,42) includes a message (the picture of flowers or

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other designs, see column 8, lines 28-30) on an outer surface. In regard to claim 12, the padded portion (30,40,42) is contoured to the back rest portion of the chair.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry (U.S. Patent No. 1,355,669) in view of Neal (U.S. Patent No. 5,779,317).

Henry shows in figures 1-3 a seat fastening device for a chair comprising a seat portion (4), a main body (the bottom plate of seat 2, see figure 2), a padded portion (the top surface and center cushion portion of seat 2) covering the main body, and a plurality of fasteners (1,7) for attaching the main body to the seat portion. Henry does not disclose whether the chair is a folding chair, using the fastening device to removably attach a padded back to the back rest portion, and attaching a message to the padding. Neal shows in figure 1-9 the idea of removably attaching a padded portion (11) to a seat portion (3) and a padded portion (30) to a back rest portion (8), placing a message on the padded portion (picture of flowers or other message) and making the chair in the form of a folding chair, see column 1, lines 4-6. In view of the teachings of Neal it would have been obvious to one in the art to modify Henry by making the chair in the form of a folding chair since this would allow the chair to be stored and transported in an easier and more convenient manner. In view of the teachings of Neal it would have been obvious to

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one in the art to modify Henry by removably attaching a padded back to the back rest portion since this would allow the padded back to be attached to and removed from the back rest in an easier and faster manner and would allow the decorative back to be changed as desired as taught by Neal, column 4, lines 2-13. In view of the teachings of Neal it would have been obvious to one in the art to modify Henry by attaching a message to the padded portion since this would create a more aesthetically pleasing display. In regard to claim 8, it would have been an obvious manner of design choice to make the retainers from plastic since the applicant fails to define any advantage to making the retainers from plastic and the metal retainers taught by Henry would work equally well. In regard to claim 9, it would have been an obvious manner of design choice to make the main body from plastic since the applicant fails to define any advantage to making the main body from plastic and the main body (wood or metal) taught by Henry would work equally well. It is considered within one skilled in the art to make the main body any thickness as desired. Henry shows in figures 2 and 3 that the retainers include biased hooks (5,6). In regard to claim 12, the padded portion is considered to be contoured to the back rest portion of the chair. In regard to claim 13, Henry shows in figure 2 that the padded portion is attached to the main body by a plurality of fasteners. In regard to claims 18 and 21, Henry does not disclose the use of a plurality of chairs. Neal discloses in column 1, lines 35-50 and column 4, lines 23-30 that a plurality of the folding chairs are manufactured. Further, it is conventional in the art that a plurality of folding chairs are used together, i.e. church halls, school auditoriums, birthday parties, weddings, etc. In view of the teachings of Neal it would have been obvious to one in the art to modify Henry by using a plurality of the folding chairs together since this would allow a

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large group of people to be provided with seating in a more convenient and less expensive manner. In regard to claim 18, the folding chairs "can be" stacked together.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henry (U.S. Patent No. 1,355,669) in view of Neal (U.S. Patent No. 5,779,317) as applied to claim 13 above and further in view of Frobose (U.S. Patent No. 4,566,735) or Lissner (U.S. Patent No. 4,747,011).

Henry discloses the idea of attaching the padding to the rear surface of the main body with fasteners but does not disclose whether the fasteners are in the form of staples. Frobose shows in figure 2 the use of staples (19) to secure padding to a main body. Lissner shows in figure 7 the use of staples (86) to secure padding to a main body. In view of the teachings of Frobose or Lissner it would have been obvious to one in the art to modify Henry by using staples to attach the padding since this would allow the padding to be attached to the main body in a faster, easier, and less expensive manner.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (U.S. Patent No. 5,779,317).

. In regard to claim 8, Neal does not disclose whether the retainers are formed out of plastic. It would have been an obvious manner of design choice to make the retainers from plastic since the applicant fails to define any advantage to making the retainers from plastic and the retainers taught by Neal would work equally well. In regard to claim 9, Neal does not disclose whether the main body is formed from plastic. It would have been an obvious manner

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of design choice to make the main body from plastic since the applicant fails to define any advantage to making the main body from plastic and the main body taught by Neal would work equally well. It is considered within one skilled in the art to make the main body any thickness as desired.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (U.S. Patent No. 5,779,317) as applied to claim 7 above and further in view of Frobose (U.S. Patent No. 4,566,735) or Lissner (U.S. Patent No. 4,747,011).

Neal discloses the applicant's basic inventive concept but does not disclose whether the padding is attached to the main body with staples. Frobose shows in figure 2 the use of staples (19) to secure padding to a rear surface of a main body. Lissner shows in figure 7 the use of staples (86) to secure padding to a rear surface of a main body. In view of the teachings of Frobose or Lissner it would have been obvious to one in the art to modify Neal by using staples to attach the padding since this would allow the padding to be attached to the main body in a faster, easier, and less expensive manner.

Applicant's arguments with respect to claims 7-21 have been considered but are moot in view of the new ground(s) of rejection.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hale teaches the use of a removable cushion.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
April 22, 2004